

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:) CASE NO: 11-42323-399 Chapter 13
THOMAS ALLEN GAVAGAN)
REGINA GAVAGAN) Trustee's Objection to Confirmation
Debtor(s)) Original confirmation hearing
set for May 18, 2011 10:00 AM

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

COMES NOW John V. LaBarge, Jr., Standing Chapter 13 Trustee, and for his objection to confirmation states as follows:

1. Debtor proposes to make payments other than home mortgage or mobile home payments outside the plan. 11 U.S.C. Secs. 1322 & 1325
2. Proposed plan payment does not constitute debtor's best effort to repay creditors. 11 U.S.C. Secs. 1325(a)(3) & (b)(1)(B)
3. The plan provides for interest to secured creditors at a rate other than that determined by the Clerk under Local Rule 3015-3(E).
4. The plan is ambiguous or incapable of ascertainment (11 U.S.C. Secs. 1321 & 1325(a)(3)) because:
SCHEDULES D AND G DIFFER AS TO WHETHER LEXUS IS SECURED DEBT OR A LEASE.
5. A.RE #2 PER DEBTOR B22C PLAN MUST GUARANTEE \$55,243.
B.RE #1 STUDENT LOANS ON SCHEDULE J.
C.RE #3 SEE 5C.

WHEREFORE the Trustee prays the Court enter its order denying confirmation of the proposed plan.

/s/ John V. LaBarge, Jr.

KLW-351

Copy served on the following either through the Court's ECF system or by ordinary mail on April 14, 2011 :
John V LaBarge Jr
Chapter 13 Trustee
P.O. Box 430908
St. Louis, MO 63143 (314) 781-8100
trust33@ch13stl.com Fax:(314) 781-8881

GOLDBERG LAW FIRM LLC
6901 GRAVOIS AVE
ST LOUIS MO 63116

THOMAS ALLEN & REGINA GAVAGAN
6 GRELLNOR PLACE
MANCHESTER MO 63011